



COUNTY OF LOS ANGELES
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ROBERT E. KALUNIAN
Acting County Counsel

December 29, 2009

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

RE: **Arnulfo Prado v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. VC051416

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and Corrective Action Report.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Report be placed on the Board of Supervisors' agenda of January 12, 2010.

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Arnulfo Prado v. County of Los Angeles, et al., Los Angeles Superior Court Case No. VC051416, in the amount of \$150,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of auto liability by a Sheriff's Deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Arnulfo Prado v. County of Los Angeles, et al.
CASE NUMBER	VC051416
COURT	Los Angeles Superior Court
DATE FILED	July 23, 2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 150,000
ATTORNEY FOR PLAINTIFF	Brent Duque, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	On April 26, 2006 at approximately 11:05 a.m., a Sheriff's deputy was driving a patrol unit in the number two southbound lane of San Antonio Drive, north of Union Street, in the City of Norwalk. The deputy looked momentarily into his left rear view mirror in preparation for a lane change into the number one lane. The deputy then began his lane change, but before completing it he returned his attention ahead of him. The deputy immediately saw a 1994 Jeep driven by Arnulfo Prado stopped ahead of him in the number two lane. Mr. Prado had stopped because the vehicle

ahead of him had stopped. The deputy was unable to complete his lane change in time and collided into the rear of Mr. Prado's Jeep.

Mr. Prado received soft tissue injuries primarily to his cervical spine which resulted in radiating pain to his upper back and neck that required surgical intervention.

Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the plaintiff.

PAID ATTORNEY FEES, TO DATE	\$	3,559
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PAID COSTS, TO DATE	\$	790
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Summary Corrective Action Plan



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	<p style="text-align: center;"><u>Arnulfo Prado v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2009-024CR)</p> <p>Wednesday, April 26, 2009; 11:05 a.m.</p>
Briefly provide a description of the incident/event:	<p>On Wednesday, April 26, 2006, at approximately 11:05 a.m., an on-duty Los Angeles County deputy sheriff was driving a standard black and white patrol vehicle west on San Antonio Drive. As the deputy sheriff approached the intersection of San Antonio Drive and Union Street, the vehicle he was driving collided with the plaintiffs vehicle.</p>

1. Briefly describe the root cause of the claim/lawsuit:

A public entity is responsible for the negligent acts of its employees when the acts are committed in the course and scope of employment.

Following the collision, the plaintiff complained of neck, shoulder, and upper back pain. He has received medical treatment for his injuries, and continues to experience intermittent soft tissue pain symptoms.

The plaintiffs vehicle (1994 Jeep Grand Cherokee, California License Number 3GXF678) sustained major damage.

The driver of the patrol vehicle was not injured.

The patrol vehicle (2001 Ford Crown Victoria, California License Number 1112138) sustained major damage.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriffs Department had adequate policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriffs Departments current training curriculum addresses the circumstances which occurred in this incident.

This traffic collision was thoroughly investigated by a representative from the Los Angeles County Sheriffs Department. The investigating deputy concluded that the driver of the patrol vehicle caused the collision by following too closely (a violation of California Vehicle Code section 21703, Following Too Closely). Investigative findings also concluded the plaintiff did not contribute to the cause of the collision.

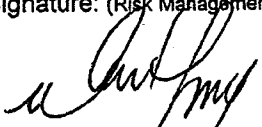
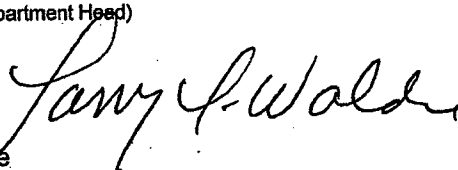
The Los Angeles County Sheriffs Department's administrative review revealed employee misconduct. Appropriate administrative action was taken.

A full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which *may* exceed the recommended settlement amount.

This summary corrective action plan has no countywide implications (refer to #3 below).

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 11-30-09
Signature: (Department Head)  Larry L. Waldie Undersheriff	Date: 12-01-09

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
RISK MANAGEMENT BUREAU

CORRECTIVE ACTION REPORT

CONFIDENTIAL

Corrective Action Plan (CAP) Number: 2009-024CR

Lawsuit:

Name: Arnulfo Prado v. County of Los Angeles, et al.
Case/Docket Number: Los Angeles Superior Court Case No. VC051416

Investigator: Kenneth A. Rehbein, Jr., Deputy
Risk Management Bureau
Leadership and Training Division

Incident:

Date/Time: Wednesday, April 26, 2006; 11:05 a.m.

Location: San Antonio Drive, east of Union Street
Norwalk (contract city)
County of Los Angeles

Station, Bureau, or Facility: Norwalk Station
Field Operations Region III

Risk Issue(s):

A public entity is responsible for the negligent acts of its employees when the acts are committed in the course and scope of employment.

Executive Summary:

On Wednesday, April 26, 2006, at approximately 11:05 a.m., an on-duty Los Angeles County deputy sheriff was driving a standard black and white patrol vehicle west on San Antonio Drive. As the deputy sheriff approached the intersection of San Antonio Drive and Union Street, the vehicle he was driving collided with the plaintiff's vehicle.

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Damages:

Following the collision, the plaintiff complained of neck, shoulder, and upper back pain. He has received medical treatment for his injuries, and continues to experience intermittent soft tissue pain symptoms.

The plaintiff's vehicle (1994 Jeep Grand Cherokee, California License Number 3GXF678) sustained major damage.

The driver of the patrol vehicle was not injured.

The patrol vehicle (2001 Ford Crown Victoria, California License Number 1112138) sustained major damage.

Administrative Review:

Was a formal Risk Management Bureau (RMB) Critical Incident Analysis (CIA) conducted? No

Was another formal administrative review/investigation initiated? Yes
If yes, was discipline imposed or other appropriate administrative action taken as a result? Yes

Was the employee's driving record analyzed during the administrative review? Yes

Policy Issues:

The Los Angeles County Sheriff's Department had adequate policies and procedures in effect at the time of the incident.

Training/Curriculum Issues:

The Los Angeles County Sheriff's Department's training curriculum sufficiently addresses the circumstances which occurred in this incident.

Evaluation:

This is a case of undisputed liability.

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ARNULFO PRADO V. COUNTY OF LOS ANGELES, ET AL.
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This traffic collision was thoroughly investigated by a representative from the Los Angeles County Sheriff's Department. The investigating deputy concluded that the driver of the patrol vehicle caused the collision by following too closely (a violation of California Vehicle Code section 21703, Following Too Closely). Investigative findings also concluded the plaintiff did not contribute to the cause of the collision.

A full and final settlement at this time will avoid further litigation costs and a potential jury verdict which would likely exceed the recommended settlement amount.

Corrective Action:

Was a formal administrative review of the incident initiated? Yes
If yes, was appropriate administrative action taken? Yes
• One deputy received two (2) administrative driving points.


Risk Review/Compliance Audit:

Will this corrective action plan (and/or implementation of any corrective action measures) require the notification to, or the assistance from, other County of Los Angeles departments or public agencies? No
If yes, what is the name and title of the individual contacted? N/A
How/when was the person contacted? N/A

Will a formal Risk Management Bureau audit be required? No
If yes, what is the date the audit will be performed? N/A
Name of person/unit performing audit? N/A

Prepared: Patrick Hunter, Lieutenant
Risk Management Bureau

Submitted: David J. Long, Captain 
Risk Management Bureau

Approved: Marilyn E. Baker, Acting Chief 
Leadership and Training Division

Authorized: Larry L. Waldie, Undersheriff

Signature: 

Date: 12-01-09